

#45

CB 106097

ORDINANCE 113426

AN ORDINANCE relating to historic preservation, imposing controls upon the Liggett Building, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code (Ordinance 106348).

WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance; and

WHEREAS, the Landmarks Preservation Board after a public hearing on December 4, 1985, voted to approve the nomination of the Liggett Building at 1424 Fourth Avenue in Seattle as a Landmark under SMC Chapter 25.12; and

WHEREAS, after a public hearing on February 6, 1986, the Board voted to approve the designation of the Liggett Building as a Landmark under SMC Chapter 25.12; and

WHEREAS, on October 8, 1986, the Board and the owners of the designated property agreed to controls and incentives; and

WHEREAS, the Board recommends to the City Council approval of controls and incentives; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the designation by the Landmarks Preservation Board of the Liggett Building more particularly described as:

Lot 1, Block 20, A.A. Denny's Third  
Addition to the Plat of Seattle,

as a Landmark based upon satisfaction of the following criteria of SMC Section 25.12.350:

It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction.

is hereby acknowledged.

Section 2. The following controls upon alteration of the landmark are hereby imposed:

A Certificate of Approval, issued by the City of Seattle's Landmarks Preservation Board pursuant to City Ordinance 106348, must be obtained, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the specified features that follow, to the extent that control

1 of these features is authorized by Ordinance 106348, and  
2 the specific provisions of this document: the north, west,  
3 and east exterior walls above the watertable; the roof; the  
main entry; the vestibule and first floor lobby, exclusive  
of the interior of the office opening onto the lobby.

4 The storefronts on the Liggett Building have been  
5 modified, and need not be restored to their original state.  
6 Alterations to existing storefronts shall incorporate a new  
7 design that is compatible with the size, scale, material,  
8 and color of the historic building. Such new design should  
generally be flush with the facade. The treatment of  
secondary design elements, such as awnings, canopies,  
signs, or other decorative or functional features, should  
be kept as simple as possible. For example, new signs  
should fit flush with the existing features of the facade,  
such as fascia board or cornice.

9 All new storefronts shall be at least 60% transparent,  
10 unless it can be demonstrated that this requirement inter-  
11 feres with functional or security needs of the tenant.  
Only clear or lightly tinted glass will qualify as  
transparent material.

12 The Landmarks Preservation Board and owner will adopt  
13 as part of this agreement a storefront design system that  
satisfies the criteria of this agreement and the Secretary  
14 of the Interior's Standards, adopted by the Landmarks  
Board. The system will incorporate a storefront design  
15 system for proposed storefronts, and will be part of this  
agreement. The agreement is on file in the Office of Urban  
Conservation.

16 Conceptual approval is granted for changes to the roof  
17 of the building. These changes shall not be visible to a  
pedestrian at street level from the following locations:

18 (i) from the entry of the 1411 Fourth Avenue Building  
north along the west side of Fourth Avenue to the  
19 northeast corner of Century Square and

20 (ii) directly across from the building on Pike Street.

21 Any changes which would be visible from either of the  
22 foregoing locations may be made only if the Landmarks Pre-  
servation Board has granted a Certificate of Approval for  
such change(s).

23 Material changes may not be made to the window ope-  
24 nings and terra cotta finials on the east elevation without  
further approval from the Board or its staff. Addition or  
25 elimination of ducts, conduit, or other similar or utility  
type elements on the east elevation and changes to the  
loading dock to satisfy Article 93 requirements may be made  
26 without further approval by the City Historic Preservation  
Officer. Display window(s) at street level on the east  
27 elevation may be added if in accordance with the storefront  
design system incorporated herein. Changes from the  
approved design system must be approved by the Landmarks  
28 Preservation Board.

1                   Administrative Review of Storefront Changes

2                   The owner shall submit to the City Historic Preser-  
3                   vation Officer (CHPO) any changes from the approved  
4                   storefront design system, and a written request for review  
5                   and approval of the proposed change. The CHPO shall review  
6                   the proposed change, and approve said change if it meets  
7                   the standards for storefronts incorporated and referenced  
8                   in this agreement. The CHPO shall disapprove any proposed  
9                   change, which, in the Officer's opinion, fails to meet the  
10                  standards, and shall provide the owner with a written  
11                  explanation of her or his findings.

12                 The CHPO shall complete her or his review, and notify  
13                 the owner of the results of the review no later than the  
14                 fourteenth day following the date of application. Failure  
15                 of the CHPO to approve or disapprove the request within  
16                 that period shall constitute approval of the request.

17                 If the CHPO disapproves a request for approval, the  
18                 owner may submit revised material to the CHPO, or submit  
19                 the request to the Board for review under the standards  
20                 approved or referenced herein. Board action shall follow  
21                 in accordance with the Certificate of Approval procedure  
22                 contained in Ordinance 106348.

23                 Any in-kind maintenance and repair of the above features  
24                 and characteristics shall be excluded from the Certificate of  
25                 Approval requirement.

26                 Section 3. The following incentives are hereby noted as  
27                 potentially available to the owner on an application basis:

28                   1) SMC Section 24.74.020 entitled Special Excep-  
                  tions, and SMC Sections 23.44.26 and 23.45.124, Administra-  
                  tive Conditional Uses, authorize, under certain  
                  circumstances, uses in a designated Landmark that are not  
                  otherwise permitted in the zone the Landmark is located.

                  2) Building and Energy Code exceptions on an appli-  
                  cation basis.

                  3) The benefits available to Seattle landmarks pur-  
                  suant to RCW Chapter 84.26, Special Valuation of Historic  
                  Property.

                  Section 4. Enforcement of this Ordinance and penalties for  
                  its violation shall be as provided in Section 25.12.910 of the  
                  Seattle Municipal Code.

                  Section 5. The City Clerk is hereby directed to record  
                  this Ordinance with the King County Director of Records and  
                  Elections, deliver two copies to the City Historic Preservation  
                  Officer, 400 Yesler Building, and deliver one copy to the  
                  Director of the Department of Construction and Land Use.

(To be used for all Ordinances except Emergency.)

Section....6.. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 11<sup>th</sup> day of May, 1987  
and signed by me in open session in authentication of its passage this 11<sup>th</sup> day of May, 1987.

[Signature]  
President of the City Council.

Approved by me this 18<sup>th</sup> day of May, 1987.  
[Signature] Mayor.

Filed by me this 18<sup>th</sup> day of May, 1987.

Norman J. Brooks  
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

By Theresa Dunbar  
Deputy Clerk.

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CITY ATTORNEY \_\_\_\_\_